

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, *et al.*,)
)
Plaintiffs,)
)
v.) Case No. 05-cv-329-GKF-SH
)
TYSON FOODS, INC., *et al.*,)
)
Defendants.)

THE STATE OF OKLAHOMA’S MOTION TO STRIKE
“DEFENDANTS’ JOINT NOTICE OF SUPPLEMENTAL AUTHORITY,”
OR, IN THE ALTERNATIVE, MOTION FOR LEAVE TO FILE
A SUBSTANTIVE RESPONSE TO DEFENDANTS’ FILING

The State of Oklahoma (“the State”) respectfully moves this Court for an order striking Defendants’ Joint Notice of Supplemental Authority (Doc. No. 3153) for failing to comply with LCvR 7-1(f). In the alternative, the State respectfully moves this Court for leave to file a substantive response to Defendants’ filing.

On March 13, 2025, Defendants filed a brief attaching *City and County of San Francisco v. EPA*, No. 23-753 (U.S. Mar. 4, 2025). Defendants’ filing not only identifies the proposition to which Defendants contend *City of San Francisco* is purportedly relevant, but also contains significant argument. Defendants’ filing thus constitutes a supplemental brief. LCvR 7-1(f) states that “[s]upplemental briefs are not encouraged *and may be filed only upon motion and leave of Court.*” (Emphasis added.) As Defendants did not seek, and were not granted, leave to file their supplemental brief, it should be stricken.

Should the Court deny the State’s motion to strike, the State should be granted leave to file the attached substantive response to Defendants’ filing, which explains why *City and County of San Francisco* is not relevant to the issues before the Court. *See* Exhibit 1.

March 19, 2025

Respectfully Submitted,

s/ Gentner Drummond

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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of March, 2025, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the ECF registrants with entries of appearance filed of record.

s/ Gentner Drummond

GENTNER DRUMMOND